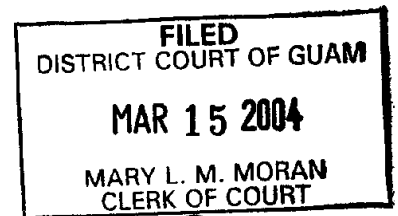


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IN THE DISTRICT COURT OF GUAM

SAITUREX GUAM INVESTMENT CO. LTD.,)	CIVIL CASE NO. 03-00045
)	
Plaintiff,)	SCHEDULING ORDER AND
)	DISCOVERY PLAN
v.)	
)	
GOVERNMENT OF GUAM,)	
)	
Defendant.)	
)	

Pursuant to Fed. R. Civ. P. 16 and 26(f), and LR 16.1, the parties hereby submit the following Scheduling Order and Discovery Plan:

1. Nature of the Case. This is an action to recover the Guam Territorial Income Tax overpaid, plus interest, by the Plaintiff for the tax year ending July 31, 1999, in the amount of \$360,516.00, and for the tax year ending July 31, 1997 in the amount of \$43,564.00.

2. Posture of the Case.

- a. The following motions have been filed: none.
- b. The following motions have been resolved: none.

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c. The following discovery has been initiated: Initial disclosures will be made pursuant to Fed. R. Civ. P. 26(a)(1) and LR 26.2(a)-(d).

d. The Summons and the Complaint were served upon the Defendant on December 30, 2003. The Defendant was given sixty days to serve the Defendant's Answer pursuant to the Summons. The parties executed a written stipulation and the Court signed the Order dated on March 1, 2004, approving the stipulation giving the Defendant until April 12, 2004, to serve and file a responsive pleading to the Complaint. The Amended Complaint was served upon the Defendant on March 8, 2004.

3. Joinder of Parties and Claims. All motions to add parties and claims shall be filed on or before July 1, 2004.

4. Amendment of Pleadings. All motions to amend pleadings shall be filed on or before August 2, 2004.

5. Status of Discovery:

a. The time for completing initial disclosures under Fed. R. Civ. P. 26(a)(1) and LR 26.2(a)-(d) shall be on March 24, 2004. Initial disclosure of the items required by Fed. R. Civ. P. 26(a)(2) and LR 26.2(e) shall be made by March 24, 2004. Disclosure of the items required by Fed. R. Civ. P. 26(a)(3) shall

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be made at least 30 days prior to trial. The parties have a continuing obligation to comply with the pre-trial disclosures pursuant to Fed. R. Civ. P. 26(e) and the last sentence of LR 26.2.

b. The limitations on discovery set forth in the Federal Rules of Civil Procedure and the Local Rules are changed as follows: none.

c. The following is a description and schedule of all pretrial discovery each party intends to initiate prior to the close of discovery:

i. Each party will propound interrogatories, requests to produce, and requests for admissions within the limits set by the Federal Rules of Civil Procedure. If either party determines that it needs to propound more discovery than permitted by the Rules, the parties will confer in good faith to accommodate reasonable discovery requests.

ii. The parties anticipate taking the depositions of approximately four individuals.

6. Scheduling Conference. ~~The parties shall appear before the District Court on March 25, 2004, at 3:00 p.m., for the Scheduling Conference.~~ 


7. Discovery Cut-Off. The discovery cut-off date (defined as the last day to file responses to discovery) is July 1, 2004.

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8. Discovery and Dispositive Motions.

a. The anticipated discovery motions are: The parties reserve the right to file such discovery motions as may be appropriate under the circumstances. All discovery motions shall be filed on or before July 30, 2004, and be heard on or before August 5, 2004, at 10:30 a.m.

b. The anticipated dispositive motions are: The parties reserve the right to make such dispositive motions as they may deem appropriate including motions for summary judgment or motions for judgment on the pleadings. All dispositive motions shall be filed on or before September 16, 2004, and be heard on or before September 7, 2004, at 10:30 a.m.

9. Trial briefs. Trial Briefs will be filed and served no later than September 23, 2004.

10. Settlement. The prospects for settlement are unknown at this time.

11. Preliminary Trial Conference. The Preliminary Pretrial Conference shall be held on October 15, 2004, at 3:00 p.m. (no later than 21 days prior to the trial date).

12. Pretrial materials, etc. The parties' pretrial materials, discovery materials, witness lists, designations, and exhibit lists shall be filed on or before October 20, 2004 (no later than 14 days prior to trial).

13. Pretrial Order. The proposed Pretrial Order under LR 16.7 shall be filed on or before October 20, 2004 (no later than 14 days prior to trial).

14. Final Pretrial Conference. The Final Pretrial Conference shall be held on November 1, 2004, at 3:00 p.m. (7 days prior to trial).

15. Non-jury Trial. The trial shall be held on November 8, 2004, at 9:30 a.m. The trial is not a jury trial.

16. Trial duration. It is anticipated that it will take one day to try this case.

17. Parties' counsel. The names of counsel are:

- a. For the Plaintiff, Carlos L. Taitano, Esq.;
- b. For the Defendant, Joseph A. Guthrie, Deputy Attorney General.

18. Settlement Conference. The parties have no objection to submitting this case early to a settlement conference that may be scheduled by the Court.

19. Suggestions. At this time, the parties do not present any suggestions for shortening the trial.

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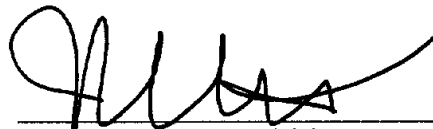
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20. Other issues affecting status or management of case. At this time, those matters are still in the early stages of discovery and as the discovery progresses in the case, it may impact on the current litigation.

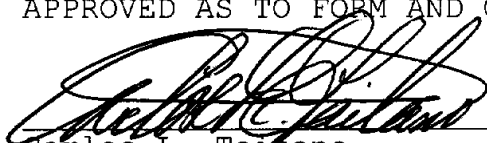
IT IS SO ORDERED.

DATE: MAR 15 2004

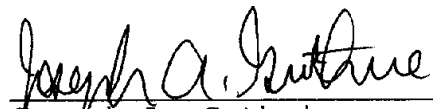


JOHN S. UNPINGCO
Chief District Judge

APPROVED AS TO FORM AND CONTENT:



Carlos L. Taitano,
Attorney for Plaintiff



Joseph A. Guthrie,
Deputy Attorney General
Attorney for Defendant

